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CLERK OF COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 MATTHEW A. PARRELLA (NYSBN 2040855)
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Attorneys for Plaintiff

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,) No. CR-06-00384-JF

13 Plaintiff,)

) **STIPULATION CONTINUING STATUS**
) **DATE AND EXCLUDING TIME AND**
) **[PROPOSED] ORDER**

15 v.)

16 YUEQIANG CHEN,)
17 a/k/a Bill Chen,)

18 Defendant.)

19 **IT IS HEREBY STIPULATED AND AGREED**, by and between Scott N. Schools, United
20 States Attorney, and Matthew A. Parrella, Assistant United States Attorney, counsel for the
21 United States of America, and Steven R. Manchester, Esq., counsel for defendant, that the status
22 date currently scheduled for June 27, 2007, be vacated and continued to July 25, 2007, or to a
23 date thereafter at the convenience of the Court.

24 This Stipulation is entered into for the following reasons:

25 1. The parties are engaged in ongoing communications and negotiations and these
26 may require disclosure of materials not contemplated by the discovery made for the charges in
27 the indictment. Additionally, the parties are contemplating a proffer session involving the
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1 defendant that may be significant in the further evaluation of the indictment by both sides. The
2 defense requires additional time to consider these factors in order to continue its effective
3 preparation, taking into account the exercise of due diligence.

4 2. Counsel for the defendant has spoken with the defendant and the defendant has no
5 objections to the continuance sought herein.

6 3. The defendant is not in custody. The defendant has just returned from extended
7 travel, approved by Magistrate Judge Seeborg, and such travel has impacted defense counsel's
8 access to his client, requiring additional time for consultation.

9 4. This continuance is sought to save the court's time and resources, to allow time
10 for the Government to evaluate and analyze information which will have a bearing on plea
11 negotiations.

12 5. The parties agree that this matter should be deemed complex pursuant
13 to 18 U.S.C. § 3161(h)(8)(B)(ii) and request that the court do so in its order;

14 6. Additionally, denial of this request could result in a miscarriage of justice, taking
15 into account the exercise of due diligence.

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1 7. The additional time requested by this stipulation is excludable in computing the
2 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
3 United States Code, Sections 3161(h)(1)(F), 3161(h)(7), and 3161(H)(8)(A), considering the
4 factors under Title 18 United States Code, Sections 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv).

5
6 DATED this 22 day of June, 2007.

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8 SCOTT N. SCHOOLS
United States Attorney

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10 
MATTHEW A. PARRELLA
11 Assistant United States Attorney

6/22/07
DATE

12
13 
STEVEN R. MANCHESTER
14 Attorney for Defendant

6/22/07
DATE

1 Based upon the foregoing representations made by the parties by stipulated motion, and
2 good cause appearing therefor,

3 **IT IS HEREBY ORDERED** that the time between June 27, 2007 and July 25, 2007
4 shall be excluded from the computation the period within which the trial must commence, for the
5 reasons and based upon the statutory provisions set forth above, and for those reasons proffered
6 by the parties. The Court finds that the ends of justice outweigh the interests of the public and
7 the parties in a speedier trial based upon the grounds set forth above.

8 **IT IS FURTHER ORDERED** that the matter shall be removed from the Court's
9 calendar on June 27, 2007 and set for status on July 25, 2007, or a date thereafter at the
10 convenience of the Court.

11 DATED: 6-26-07

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14 JEREMY FOGEL
15 United States District Judge
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